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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,896	08/02/2000	Timothy J. Moulscley	PHB 34 , 390	7981
24737	7590	11/17/2003	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			SHAH, CHIRAG G	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2664	

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/630,896	MOULSLEY ET AL.	
	Examiner	Art Unit	
	Chirag G Shah	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 August 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 6-10, 13 and 14 rejected under 35 U.S.C. 102(a) as being anticipated by Cho et al. (WO 0013426).

Referring to claims 1, Cho discloses in the abstract, figure 12 and claims 1-6 of a mobile communication system comprising a primary station (base station) and a plurality of secondary stations (mobile stations) and having a random access channel (claim 6) for the transmission of data from a secondary station to the primary station, wherein the primary station has means for transmitting a random access channel status message (BCCH) indicating the availability of random access channel resources and the secondary station has means for receiving (the status message and means for using the contents of the message to determine what random access to channel resources to request. In other words, the abstract and claims 1-6 clearly discloses that the base station generates a broadcast channel frame, which includes status information indicating whether channel codes which are changing in real time are occupied or not, then, a mobile station selects an available channel code based on information from the received broadcast channel frame, generates a channel assignment request message, and transmits the channel assignment request message on a random access channel as claim.

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Referring to claim 2, Cho discloses in the abstract, figure 12 and claims 1-6 a primary station (Base Station) for use in a radio communication system (mobile communication system) having: a random access channel for the transmission of data from a secondary station (claim 6) to the primary station, wherein means are provided for transmitting a random access channel status message indicating the availability of random access channel resources. In other words, the abstract and claims 1-6 clearly discloses that the base station generates a broadcast channel frame, which includes status information indicating whether channel codes which are changing in real time are occupied or not, then, a mobile station selects an available channel code based on information form the received broadcast channel frame, generates a channel assignment request message, and transmits the channel assignment request message on a random access channel as claim.

Referring to claim 7, Cho discloses in the abstract, figure 12 and claims 1-6 a secondary station (mobile station) for use in a radio communication system (mobile communication system) having a random access channel for the transmission of data to a primary station, wherein means are provided for receiving a random access channel status message transmitted by the primary station and for using the contents of the message to determine what random access channel resources to request. In other words, the abstract and claims 1-6 clearly discloses that the base station generates a broadcast channel frame, which includes status information indicating whether channel codes which are changing in real time are occupied or not, then, a mobile station selects an available channel code based on information form the received broadcast channel frame, generates a channel assignment request message, and transmits the channel assignment request message on a random access channel as claim.

Referring to claim 8, Cho discloses in the abstract, figure 12 and claims 1-6 a method of operating a radio communication system (mobile communication system) having a random access channel for the transmission of data from a secondary station (mobile station) to a primary station (Base Station), characterized by the primary station transmitting a random access channel status message indicating the availability of random access channel resources and by the secondary station receiving the status message and using the contents of the message to determine what random access channel resources to request. In other words, the abstract and claims 1-6 clearly discloses that the base station generates a broadcast channel frame, which includes status information indicating whether channel codes which are changing in real time are occupied or not, then, a mobile station selects an available channel code based on information form the received broadcast channel frame, generates a channel assignment request message, and transmits the channel assignment request message on a random access channel as claim.

Referring to claim 3 and 13, Cho discloses in abstract, figures 5 and 8 and on pages 8-11 that primary station as claimed, characterized in that means are provided for transmitting the random access channel status message during unused bits in a paging indicator channel using the same channelisation code as that channel as claim.

Referring to claim 6 and 14, Cho discloses in the abstract and in pages 5, lines 5-10, 7 lines 9-19, figures 5, 6, 8, and 9 and 12 and in claims 7 and 8 of a primary station (Base Station) as claimed, characterized in that means are provided for dynamically allocating bit rates (dynamically controlling the transmission rate) to random access channels in response to requests for resources from secondary stations (mobile station) as claim.

Referring to claim 9, Cho discloses in the abstract and on page 11, lines 5-21 that the mobile station adapts itself to the system situation by continuously receiving broadcast status information from the base station in an active state thus characterized by the random access channel status message being broadcast regularly as claim.

Referring to claim 10, Cho discloses in the abstract, figure 12 and claims 1-6 of a method as claimed in claim 8; characterized by the random access channel status message (BCCH) indicating which random access channels (whether channel codes are occupied or not) are available as claim.

3. Claims 11 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Aftelak et al. (WO 00/07401).

Referring to claims 11 and 12, Cho discloses in the abstract, figure 8, 12, and claims 1-6 of a method as claimed in claim 8; characterized by the random access channel status message. Cho fails to disclose of sending a random channel status message indicating which data rates with respect to channel codes and highest data rates available on the random access channel. Aftelak teaches of a communications system wherein base station transmits status information to subscriber units (mobile station). Aftelak discloses on page 8 and 9 of capabilities of the network, where it provides subscriber units where a first channel or cell can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities. Thus, indicating the highest data rate available on the random access channel as claim 12. Therefore, it would have been obvious to modify the teachings of Cho to

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include the teachings of Aftelak in order to provide better user service and reduce channel resource fluctuations in order to efficiently request the rate needed for transmission.

Allowable Subject Matter

4. Claims 4 and 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703)305-3988, (for formal communications intended for entry)

Or:

(703)305-3988 (for informal or draft communications, please label "Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cgs

A handwritten signature consisting of a stylized, cursive initial followed by a surname.